

H. L. WHEATLEY PLACED ON TRIAL

Large Gathering in United States District Court Room Today.

INSPECTOR'S STORY.

Decoy Letter Placed in Mail Bag on Seaboard Train—Alleged to Have Been Opened by Accused.

Jury returned verdict of guilty against Wheatley at 3:45 p. m., and he was sentenced to two years in the penitentiary at Atlanta.

At the opening of the United States District court at noon today Judge Edmund Waddill, jr., of Richmond, presiding, a petit jury was selected from 30 veniremen. The twelve jurors selected were: Richard H. Roberts, John K. Brown, H. L. Allen, Hugh R. Moffett, Geo. W. Grayson, F. D. Gaskins, E. L. Hunt, Hy. D. Williams, C. F. Broadwater, P. C. Waring, jr., James A. Quaintance and W. B. Farish.

The other jurors were excused until 11 o'clock Wednesday morning.

The first case taken up by the court was that of the United States vs. Harry L. Wheatley charged with rifling the mails. The offense is punishable by fine not to exceed \$500 or 5 years in the penitentiary.

The first witness for the government was Postal Inspector J. B. Robinson, who had charge of the work of detecting the person rifling the mails at Alexandria.

Mr. Robinson's testimony was to the effect that Wheatley took the selected and marked bills that were in the decoy letter mailed by the inspector.

Wheatley denied that he had secured the bills from the mails, his statement being that the bills, a \$5 and three one dollar bills, were part of his salary paid him the first of April, a week previous to his arrest.

Inspector Robinson explained how the decoy letter which was used to detect the person charged with rifling the mails was prepared. This letter was mailed on Seaboard Air line train number 84 between Richmond and Alexandria. The letter was accompanied by Mr. Robinson.

Inspector Robinson explained to the jury the plan by which the postal inspectors secured the arrest of Wheatley, a decoy letter, containing one five and three one dollar bills, was carefully marked and the numbers taken. This was placed in a letter addressed to a person in Atlantic City and special delivery stamps attached. This letter was with some dozen others routed for Atlantic City was then tied in a bag and taken aboard the Seaboard Air Line train number 84 and in the presence of the railway mail clerks, John Dean and Mr. Taney, Inspector Robinson sealed and mailed the letter on the train some where between Fredericksburg and Alexandria. The mail pouch which contained this test package of mail was carefully watched by the clerks in the car and the inspector until it reached Alexandria at which time, by previous appointment Postmaster Eggborn met the postal inspector and they proceeded to the postoffice, where Wheatley was at work and where it was decided to look for the package and secure same for evidence.

This was Sunday morning, April 7th. At 8 o'clock that morning the assistant postmaster, Mr. Aitchison, allowed postal Inspector Mosby to enter the office and take his position in the lookout, which is a special room erected in the building by the government for the purpose of keeping watch upon employees any time it is desired to do so. Inspector Mosby testified that he had seen Harry L. Wheatley open the mail pouch which was used in this test, recognizing it from a large blue envelope which had been placed in the pouch by the inspectors for this purpose. He saw Wheatley take out the package of mail marked for Atlantic City, which package contained the decoy letter with marked bills, and open it, abstracting the money and resealing the letter, and replacing the package in the pouch.

Wheatley was not arrested at this time, the inspectors waiting until he

had left the building, when, in the presence of Postmaster Eggborn, the test mail pouch was opened and Mr. Mosby found the letter and handed it to Mr. Eggborn for safe keeping after it had been examined but not opened.

Wheatley was accosted on King St., by the inspector and Mr. Eggborn and taken to the office of the postmaster and there he saw the decoy letter opened and turned over to the inspector in the presence of Mr. Eggborn. A five and four one dollar bills, the five and three of the dollar bills being the marked bills the postal inspector placed in the mails on the train between Richmond and Alexandria, to which the inspectors testified, as did the railway mail clerks, Bean and Teaney. It was found on Wheatley's person. It was on this evidence that Wheatley was arrested.

Wheatley denies that he is guilty of taking this money from the mails or of rifling any mails.

Samuel G. Brent, counsel for Mr. Wheatley put several questions to the witnesses for the government which tended to show that marked bills were often used by inspectors in test and decoy letters and on that account it would be possible for such marked bills to get into circulation. Inspector Robinson, however, stated all bills he marked were always destroyed.

After the two inspectors and the mail clerks had testified United States District Attorney Groner called Postmaster Eggborn to the stand. Mr. Eggborn testified substantially as the inspectors and bore out the facts of the marked money and the package of test letters. Mr. Eggborn also testified under cross examination to the previous good character of Harry Wheatley and to his standing in the community, and said that he was an efficient clerk in the discharge of his duties.

Donald Aitchison, assistant postmaster, was called to testify to having let Inspector Mosby into the Lookout on the morning of April 7th, at which time Mosby stated he saw Wheatley abstract the money from a letter.

While in the office of Postmaster Eggborn, Wheatley, and the two inspectors in the presence of the postmaster signed the bills found on Wheatley, and these bills were offered as evidence together with the letters and memoranda of the private marks on the money.

The jury was given the case at 3:25.

The grand jury met this morning at 11 o'clock and returned six true bills as follows:

Jackson Bros., Company, Inc., and Ray West for unlawfully obtaining transportation for property at less than regular rates than established and in force according to law.

Eugene E. Fisher, for sending non-mailable matter through the mails.

Carroll M. Barrack on the business of distiller with intent to defraud the government.

Emma Fry, sending non-mailing matter through the mails.

Thomas B. Hurst, carrying on the business of a distiller with intent to defraud.

The jury returned a presentment on information against Raymond White for being drunk and for disorderly conduct on a government reservation and then adjourned to meet at 11 o'clock Wednesday.

Poured Houses.

Mr. A. S. Doniphan, of Alexandria, has been made general manager for the suburb of poured houses. Mr. Doniphan is a well-known newspaper and real estate man. M. Dana Merrill, of New York city, has selected Mr. Doniphan president of the Virginia Highlands Association.

There are now some 15 suburbs being modelled and built after the Virginia Highlands.

INSTALLATIONS.

The recently elected officers of Alva Aerie, No. 871, Fraternal Order of Eagles will be installed on the night of Wednesday, January 15th. The installation will be conducted by Col. Robert L. Montague, past president of Washington Aerie of Eagles.

The installation of officers of Oriental Lodge No. 6, Knights of Pythias will take place tonight.

Stockholder's Meeting.

The annual meeting of the stockholders of the West Brothers Brick Company will be held at the principal office of the company, No. 111 South Fairfax street, Alexandria, Va., on Tuesday, January 14th, 1913, at 12 o'clock.

WILLIAM D. WEST Secy.

EUROPEAN POWERS WILL INTERVENE

Sir Edward Grey Makes Statement in British House of Commons.

SITUATION IS SERIOUS.

Turkey Will be Given Until Saturday To Make Request for Reopening of Peace Negotiations.

London, Jan. 7.—"If the Turks and the allies do not show a disposition to re-open negotiations immediately, the Great Powers of Europe will intervene. This was stated today in the House of Commons by Sir Edward Grey, Secretary of State, for Foreign Affairs.

Questioned the foreign minister admitted that the powers, through their ambassadors, was considering joint action to bring about peace in the Balkans, but he declined to go into particulars, saying the situation was too delicate.

War in the Balkans against Turkey probably will not be renewed before some time next week, if at all. The peace delegates of the Balkan states will give Turkey until Saturday to request the reopening of the suspended negotiations it was semi-officially learned today.

Should the Ottoman make no move for a resumption of the peace conference, the envoys of the allies plans to themselves to call a meeting and breaking off of the negotiations. The meeting could not be held before Monday.

It is not believed in diplomatic and military circles that war will be renewed, but in such an eventuality, the various states of the Balkan alliance could hardly get into action until two or three days following the formal rupture of the negotiations.

Aqueducts Tol of Death.

New York, Jan. 7.—The toll of death and injury that has accompanied the two year's work on the Catskill to Manhattan Aqueduct shocked the complacent folks of Gotham today when the figures filed with the commissioner of labor were made public. A list of more than 6,000 serious injuries and 134 violent deaths and several hundred deaths from exposure and disease tells the story.

The work is now at its most dangerous stage half way through the solid rock tunnel 17 1-2 miles long, hundreds of feet under the streets of New York. When finished this tunnel will dwarf the Simplon bore in the Alps and it approaches in difficulty and magnitude the digging of the Panama Canal.

THOMPSON DIVORCE UPHELD.

Supreme Court Reaffirms Decision in Atherton Case.

Notice by publication to a person absent from a state of a divorce suit against him or her is sufficient to give to the State jurisdiction over the absent party if the State be the matrimonial domicile of the man and wife, according to a decision yesterday by the Supreme Court.

The conclusion was announced in upholding the divorce granted by Virginia Courts to Charles N. Thompson, a public school principal of Washington, who defeated a divorce suit in the District of Columbia began by his wife by pleading that he had procured a divorce from her in Virginia, their matrimonial domicile after notice of the suit by publication.

The opinion in the case by Justice Pitney, upheld the famous Atherton divorce decision of Kentucky, approved by the court several years ago, but since attacked as unsound.

Notice of Meeting.

The annual meeting of the stockholders of the Columbia Paper Manufacturing Company will be held at the principal office of the company, 111 S. Fairfax street, Alexandria, Va., on Monday, January 20, 1913, at 1 P. M., to elect directors for the ensuing year.

R. D. MARSHALL Sec. & Treas.

Norfolk Oysters in all Styles at Rammel's Cafe.

NEWS OF THE DAY.

The power of the States over railroads and express companies suffered a hard blow yesterday when the Supreme Court held that since the passage of the Carmack amendments to the Inter-State Commerce law in 1906 the States had ceased to have power to annul contracts between railroads and shippers limiting the liability for the loss of inter-State shipments. Another serious blow was delivered when the court held that the States, since the passage of the Inter-State Commerce acts and particularly the Hepburn law in 1906, had no power to penalize railroads for failure to furnish cars for inter-State shipments. The changes thus effected revolutionized the practice in many States.

A petty officer, six stokers, and an artificer were killed in the stoke hold of the French battleship Massena yesterday, when the steam collector pipe and one of the boilers burst. The ship, which was bound for Bizerta, put back and landed the bodies at the St. Mandrier Naval Hospital. The explosion occurred near the Hyersland. The steam piping on the Massena was completely renewed two years ago, and was declared O. K. after an official test last year.

One man has been killed, a score hurt, and traffic seriously impeded by a sleet storm that has struck Chicago. A twenty-mile wind drove the frozen rain before it and coated side walks and pavements with ice.

Margaret Birley, a year-old daughter of Thomas Birley, living near Blue Ridge Summit, in the vicinity of Hagerstown, Md., while playing about her mother's sewing table fell upon a pair of scissors, which punctured her neck and severed the jugular vein. She died in ten minutes in her mother's arms.

The Supreme Court of the United States yesterday laid down the far-reaching principle that "corners" of interstate commodities, such as articles of clothing and food, are in violation of the Sherman anti-trust law was concerned, the indictment in the New York Federal Court of James Patten, Eugene G. Scales, Frank H. Hayne and William Brown for "conspiring to run, an alleged cotton corner" was valid. The case against them was sent back for trial or other proceedings.

Southern California is facing the coldest wave in its history, and throughout the citrus belt millions of smudge fires are burning to offset the effect of the frost on the growing oranges. It is understood that wherever the smudge pots were used the smoke was effective in offsetting the effect of the cold on the citrus fruit, and the efforts of the orange and lemon growers along this line have been doubled. One hundred cars of oil a total of 1,200,000 gallons, was shipped from Los Angeles to the various part of the citrus.

Charged With Conspiracy.

Philadelphia, Pa., Jan. 7.—Direct presentation of evidence in the trial of former Director of Public Safety Henry Clay, accused of conspiracy to defraud the city, began today.

Assistant District Attorney Joseph H. Tulane, concluded the presentation of warrants, vouchers, contracts and other documents, as the basic evidence to substantiate the charges of the commonwealth, and called his first witness.

Willard H. Walls, treasurer, and John R. Wiggins, president of the Wiggins Contracting Company, with Carl Zelinger, city architect, the joint defendants, were in court today.

While the nature of the proceedings of the first day of the trial obviated any real tilts between counsel, a few passages indicated that the case will be bitterly fought.

Mysterious Death.

London, Jan. 7.—Mystery surrounds the death of Paul Cleveland Bennett Nash, American consul general at Budapest, Hungary, who was found dead early today in his suite at Gladingle's. He was apparently in good health when he retired last night. A native of Geneva, New York, Nash was 35 years old. He had served in diplomatic relations in Bangkok, Vladivostok, Rheim and Venice before being sent to Budapest. His wife was the Baroness Margherita Mayneri, of Venice.

FRANTIC APPEALS OF MANY HEBREWS

Order For Expulsion From Russia Suspended Until Next Spring.

EVICTED IS INHUMAN.

Large Number of Petitions From Expelled Israelites Forwarded to St. Petersburg.

Odessa, Jan. 7.—Responding to the frantic appeals of thousands of Jews who have been ordered from their homes in the Kieff District, Governor General Trepoff today suspended further expulsions until the spring. With a touch of sympathy most unusual in a representative of the Beauracary, the official declared it inhuman to evict the people during the rigorous winter season. It is said that the local governor of Kieff, M. Giers, is to be transferred.

Meantime petitions are being forwarded to St. Petersburg in large numbers from all districts where Jews have been expelled. In Volhynia, one of those driven out was an aged veteran of 83 years, who fought under Nicholas I. Heretofore Nicholas soldiers had the privilege of living where they pleased, regardless of race or religion.

Supply Company Organized.

New York, Jan. 7.—Five hundred of the leading hotel and restaurant men in New York received notification today for a second meeting at which the organization of a co-operative supply company with a capital of \$100,000 will be perfected. The general organization of this company was affected yesterday at a first general meeting at Louis Martin's.

The purpose of the new alliance of restaurant men is to go into the whole sale supply business, purchasing or manufacturing everything needed for the restaurant trade from napkins to tooth picks. In this way the restaurant men say they can expect to be able to reduce outfitting expenses by one-half and that the public will be real beneficiaries of the project.

Says Alliance Would Err.

Paris, Jan. 7.—That the Balkan alliance would err grievously in submitting the mediation of the great powers in the Turkish-Balkan affair was the opinion expressed today by Emile Lassarad, a well known political writer in a signed statement in La Patrie. He also expressed a view that the triple entente (France, Great Britain and Russia), would make a mistake in undertaking arbitration. M. Lassarad pointed out that the great powers were too much at loggerheads among themselves to ever agree on Eastern European policies.

ALLEN PETITION.

Richmond, Jan. 7.—The petition to the Supreme Court of Appeals of Virginia for the reopening of the cases against Floyd and Claude Allen, under sentence to die in the electric chair at the state prison here Friday, January 17, for the murder of Judge Thornton L. Massie and other officers of his court at Hillsville, Carroll county, March 14, was not presented by counsel for the doomed men today, because of the illness of Attorney Smith.

The petition is based upon alleged "after discovered evidence," the importance of which is not generally known. The papers were first filed with Governor Mann, who declined to act upon them, or, in fact, to receive them, until the legal representatives of the condemned mountaineers testified in writing to their personal belief that the alleged evidence contained in the papers justified a rehearing. In this manner the lawyers Harry M. Smith, jr., and Richard Evelyn Byrd, assumed entire responsibility, which burden the governor did not elect to shoulder.

Pick Up Helpless Schooner.

Norfolk, Va., Jan. 7.—After a search of thirty-six hours the revenue cutter Onondago yesterday picked up the schooner Bessie Whiting off Cape Charles light. All of the schooner's rigging had been blown away in Friday's storm, and she was helpless.

WEATHER REPORT

Rain tonight; somewhat colder in north and west portions.

Tomorrow high-tide—8:10 a. m., 8:18 p. m.

HOKE SMITH WILL VISIT GOV. WILSON

Will Unfold Plans of Progressives in Senate to President-Elect.

FIGHT FOR CONTROL.

Georgia Senator's Plans For Reorganizing Higher Body of Congress and the Abolition of Seniority Rule.

Trenton, N. J., Jan. 7.—All of the plans of the Progressive Democrats in the Senate will be unfolded to President-elect Wilson by Senator Hoke Smith, of Georgia, when he pays his scheduled visit here tomorrow. Smith had been leading the fight to control the Senate against the old Bailey element and from him the President-elect expects to receive accurate information as to the exact status of the Democratic "insurgency" in the upper house.

It is believed that Smith will explain his plan for reorganizing the Senate and doing away with the "seniority rule" in the make up of committees. The Georgia Senator is looked upon as the prospective mouth-piece of the administration in the coming Senate. Governor Wilson has not made public his views about the organization of the New Congress, but it is understood he is in hearty accord with the "insurgent" cause. It is known that he feels the organization of the committees in both houses along progressive lines is essential to the success of the legislation he is pledged to.

The hardships financially that the lack of a mail franking privilege for presidents-elect entails on the pre-inauguration exchequer became known today when it was learned Governor Wilson had answered 50,231 letters since election, spending more than \$1,000 in postage alone, not mentioning salaries to stenographers and clerks. He has paid this out of his own pocket, and save for his salary as governor, Wilson has little money.

Senator Hoke Smith will be accompanied tomorrow by Senator Thomas P. Gore, of Oklahoma, a progressive from whom Gov. has received much advice during the campaign and since then. Senator Gore's intimacy with the President-elect will give him a conspicuous status in the new Senate. He, too, has been prominent in the movement to break down the seniority rule.

COAL PRODUCTION OF STATE.

Unbroken Annual Growth Commented Upon.

According to the estimates of E. W. Parker, coal statistician of the United States geological survey, southwestern Virginia increased its production by probably as high a per centage as that reached by any other State or district. Some of the mines in Wise county (the source of more than 50 per cent. of the state's total.) increased their production of over 100 per cent., and most of the important operations added as much as 25 per cent. to their output of 1911.

Virginia's production has increased with annual regularity, the state being an exception to the generally decreased production in 1911. The record for 1912 will surpass all others, and probably show a tonnage double that of 1908, when it amounted to 4,260,000 short tons. The supply of coal cars was generally fair, but a shortage of coke and box car equipment prevented taking full advantage of the boom in the coke market during the latter part of the year.

Untrained labor was scarce on account of the demand for workmen in other lines. The high prices offered for spot coal in the latter part of the year enabled some of the Virginia mines to ship into territory not normally their own against freight differentials as high as 25 per cent per short ton.

LOST.—Monday night between Sunrise Theatre and 202 South Pitt Street, La Vallier. Reward if returned to above number. 7-2t

Norfolk Oysters in all Styles at Rammel's Cafe.